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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/980,443

08/08/2002

Hong Lye Oh

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EXAMINER

HUBER, JEREMIAH C

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/980,443	<b>Applicant(s)</b> OH ET AL.	
	<b>Examiner</b> JEREMIAH C. HUBER	<b>Art Unit</b> 2621	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: 25 and 26.
- Claim(s) rejected: 8,9 and 11-17.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Mehrdad Dastouri/  
Supervisory Patent Examiner, Art Unit 2621

Continuation of 11. does NOT place the application in condition for allowance because: In general the applicant makes two assertions. First, that Morgan in view of Harradine does not disclose determining a metric representing a distribution of global motion vectors; and second, that Morgan in view of Harradine does not disclose selection between plural motion estimation schemes on the basis of such a metric score. The examiner must disagree.

With regard to the first assertion the applicant more specifically asserts that Morgan's global motion vector determination does not include a distribution metric, and further that the selection process is not relevant as the motion vectors at issue are not global motion vectors until after the selection. Morgan discloses a global vector restrictor that associates global motion vectors with blocks of the input image at or near areas with similar or identical motion (Morgan p. 16 lines 25-28). The applicant notes the passage but asserts that Morgan does not disclose a metric. While the examiner notes that Morgan does not expressly disclose a metric, such a metric would be inherent to any comparison to determine if a global motion vector has motion similar to a given global motion vector. Given a local and global motion vectors on their own, such as [1,3] local and [2,5], [3, 3] it would be impossible to make any decision of similarity without some sort of metric, any number of which are commonly known in the art. The examiner is not suggesting that Morgan discloses the use of a particular kind of metric, such as a simple difference or a magnitude difference, only that the use of some metric is inherent. The examiner further believes that this metric, whatever it may be, qualifies as a metric representing a distribution pattern of global motion vectors metric, because it controls the distribution of global motion vectors for use in predicting certain blocks of the frame by way of a global mask array (Morgan p. 12 line 31). Therefore the examiner believes Morgan meets this claim limitation.

With regard to the second assertion the applicant more specifically asserts that Morgan discloses only a single estimation scheme with in which the block matching search method is not varied. The examiner must disagree. Morgan discloses a motion estimator wherein four selected motion vectors are tested, or searched (Morgan p. 10 line 26 to p. 11 line 8). Therefore the search pattern will depend on the vectors selected to be tested. Since the search pattern may vary for any two blocks tested the examiner believes that Morgan discloses a varied block matching search methods and motion estimation schemes. Morgan further suggests that the types of motion vectors selected may vary from one block to the next. Morgan discloses a preferential selection of motion vectors, including a local vector, neighboring vectors, and global vectors (Morgan p. 10 lines 19-25). Morgan also discloses that some of these vectors may be unavailable if they fail a confidence test (Morgan p. 10 lines 10-20). Therefore, the examiner believes that the types of motion vectors, including the number of global motion vectors, selected for testing will vary from block to block, which would be varied search methods and motion estimation schemes. Therefore the examiner believes Morgan meets this claim limitation.

The examiner would further like to note that the second issue seems to arise from a difference of opinion regarding the interpretation of the term 'scheme'. Namely the examiner believes that motion estimation using a certain set of motion vector types, and a certain search pattern, qualifies as a different motion estimation scheme from one using a different set of motion vector types and a different search pattern. . While the applicant is endeavoring under a more narrow interpretation of the term.